

## SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

**SUBJECT:** Approve the proposed application for Brownfield Area Designation and authorize staff to conduct a fee assessment associated with Brownfield Area Designation Requests

**DEPARTMENT:** Planning and Development      **DIVISION:** Planning

**AUTHORIZED BY:** Dori DeBord

**CONTACT:** Tom Tomerlin

**EXT:**

**MOTION/RECOMMENDATION:**

1. Approve the application form for Brownfield Area designation requests and authorize the Planning and Development Director to modify and update the application form on an as needed basis, and authorize the Planning and Development Director to conduct a fee assessment study associated with processing a Brownfield Area designation request; or
2. Deny the application form and fee assessment study for Brownfield Area designation requests; or
3. Continue the item until a time and date certain.

County-wide

Tom Tomerlin, John Metsopoulos

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**BACKGROUND:**

The Brownfields Redevelopment Act was created to enable the Florida Department of Environmental Protection (FDEP) and other agencies to assist in the reduction of public health and environmental hazards on existing commercial and industrial sites. The elimination of environmental contamination is the cornerstone of the Brownfield Redevelopment Program, redevelopment and reuse of land is the ultimate goal. The reuse of commercial and industrial lands is an important component of sound land use policy for productive urban purposes and to assist in preventing sprawl. Furthermore, redevelopment helps contain public costs associated with installing new water, sewer, and transportation infrastructure.

The Brownfield Redevelopment Program is governed by Florida Statutes 376.78-.875, as amended. Brownfields are abandoned, idled, or underused properties where expansion, reuse, or redevelopment may be complicated by real or perceived environmental contamination. Brownfields do not necessarily have to be contaminated. It is an incentive-driven program with financial enticement for redevelopment and liability relief when cleaning up any discovered contamination. A Brownfield designation opens the door to federal, state, and local incentives that might not otherwise be available, including job creation bonuses. A brief outline of Brownfield Program benefits is included in the attached brochure. Also outlined in the brochure is a flow-chart outlining the Brownfield Program Process.

The initial step in the Brownfield Redevelopment Program is for the local government with jurisdiction over the proposed Brownfield Area to designate the property a Brownfield Area for rehabilitation. This designation is adopted by the local government in the form of a resolution.

The designation of a Brownfield Area enables:

- The person responsible for Brownfield Site rehabilitation to negotiate a Brownfield Site Rehabilitation Agreement (BSRA) with the FDEP.
- The Brownfield Area to qualify for certain economic incentives such as a bonus refund for job creation and a sales tax credit on building materials.

Seminole County has no financial obligation as a result of an approval of a Brownfield Area designation. Brownfield Area benefits are administered by Enterprise Florida, Inc. In cases where a Brownfield Site Rehabilitation Agreement (BSRA) is negotiated with the FDEP, all BSRA benefits (i.e., dealing with environmental rehabilitation) are administered by the FDEP. Staff is recommending that the Board approve a uniform and standardized approach in dealing with individual (i.e., non-administrative) requests for Brownfield Designation. For this purpose, an application form was constructed for Board review and approval.

In addition, Staff is requesting authorization to conduct a fee assessment study associated with Brownfield Area designation requests. This fee assessment study will determine whether future requests for Brownfield Area designation should be assessed a fee to offset staff review and materials costs. The Planning and Development Department is currently involved in a fee assessment study, and if authorized by the Board, Brownfield Designation requests can be included in the study that is already in process.

#### **STAFF RECOMMENDATION:**

Staff recommends the Board approve the application form for Brownfield Area designation requests and authorize the Planning and Development Director to modify and update the application form on an as needed basis, and authorize the Planning and Development Director to conduct a fee assessment study associated with processing a Brownfield Area designation request.

#### **ATTACHMENTS:**

1. FDEP Brownfields Redevelopment Program Brochure
2. Seminole County Application for Brownfield Area Designation

<b>Additionally Reviewed By:</b>
<input checked="" type="checkbox"/> County Attorney Review ( Kimberly Romano )



# FLORIDA BROWNFIELDS REDEVELOPMENT PROGRAM

TRANSFORMING COMMUNITIES

**Brownfield site** means real property, the expansion, redevelopment or reuse of which may be complicated by actual or perceived environmental contamination. 376.79(3), F.S.

**Brownfield area** means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects. 376.79(4), F.S.

## Brownfields Program Process

**BROWNFIELD AREA DESIGNATION**  
By Local Government

**IDENTIFICATION OF RESPONSIBLE PERSON**

**EXECUTION OF CLEANUP AGREEMENT**

**IMPLEMENTATION OF CONTAMINATED SITE CLEANUP**

**"NFA" LETTER FROM DEP**

## BROWNFIELDS PROGRAM BENEFITS

### Brownfield Area Designation

- Bonus refund for job creation—up to \$2,500 per job
- Loan guarantees for primary lenders
  - ◆ Up to 50% on all sites
  - ◆ Up to 75% when end use is affordable housing
- Sales tax credit on building materials
- Brownfield area benefits administered by Enterprise Florida, Inc.

### Brownfield Site Rehabilitation Agreement

- All benefits of Brownfield Area
- Regulatory framework for cleanup (Chapter 62-785, F.A.C.)
- Dedicated staff—expedited technical review
- Liability protection
- Tax credits
  - ◆ Florida corporate income tax
  - ◆ Credits may be transferred one time
- Brownfield Site Rehabilitation Agreement benefits administered by DEP

### Summary of Available Tax Credits

Tax Credit Type	Application Frequency	Maximum Credit for Costs Incurred after 6/30/06	
Site Rehabilitation	Annually	50%	\$500,000
No Further Action (i.e. SRCO)	Once	25%	\$500,000
Affordable Housing	Once	25%	\$500,000
Solid Waste (Removal, Transport, and Disposal)	Once	50%	\$500,000

## BROWNFIELD PROGRAM TERMS

**Responsible Person**—Person Responsible for Brownfield Site Rehabilitation or PRFBSR

**Agreement**—Brownfield Site Rehabilitation Agreement or BSRA

**NFA**—No Further Action (i.e., Site Rehabilitation Completion Order or SRCO)



## **DRAFT Application for Brownfield Area Designation**

### **Seminole County Application for Brownfield Area Designation**

*Seminole County Planning and Development Department  
Planning Division  
1101 East First Street, Suite 2201  
Sanford, FL 32771  
Phone (407) 665-7371 Fax (407) 665-7385*

This application must be completed to request designation from Seminole County as a Brownfield Area. It is important to complete all applicable sections and attach all requested information. Notice of the proposed rehabilitation of the Brownfield Area must be provided to neighbors and nearby residents and must be posted in the affected area (s.376.80) (it will be the applicant's responsibility to pay for all legal and public notice requirements associated with this activity). It is recommended that the applicant schedule a Brownfields Preapplication Meeting before submitting this package to the County. The applicant is reminded that upon approval of this application, a Brownfield Site Rehabilitation Agreement with the FDEP may be required (s.376.80(5)). If you have any questions concerning the completion of this application package or wish to schedule a preapplication meeting, please call (407) 665-7371.

\* Please submit an original, 4 copies, and a PDF electronic copy of the application and supporting documentation.

#### **PROPERTY INFORMATION**

Property Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Property Size (acres & square feet): \_\_\_\_\_

Folio Number: \_\_\_\_\_

**\*\*\*Attach property location map and legal description\*\*\***



## DRAFT Application for Brownfield Area Designation

### PROPERTY DESCRIPTION

Briefly describe property (vacant, unoccupied, etc.). Include photo if appropriate:

Zoning: _____
Future Land Use Designation: _____

Is property located within one or more of the following? (Check all that apply)

- |       |   |
|-------|---|
| _____ | US 17-92 Community Redevelopment Area (CRA) (Note: All Brownfield Area designation requests within the US 17-92 CRA must be coordinated with the Economic Development Department, please contact: Economic Development Department, 1055 AAA Drive, Suite 145, Heathrow, FL 32746. Phone: (407) 665-7135 |
| _____ | State Enterprise Zone/Federal Enterprise Community  |
| _____ | Community Development Block Grant Target Area   |

Located within one-half mile of an existing major street? \_\_\_\_\_ Yes \_\_\_\_\_ No

Public Street Access: \_\_\_\_\_ Yes \_\_\_\_\_ No

Existing public water and sewer distribution lines? \_\_\_\_\_ Yes \_\_\_\_\_ No

Outside flood plain area? \_\_\_\_\_ Yes \_\_\_\_\_ No

Are there monitoring wells or private water supply well on site? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, what are their type and use? \_\_\_\_\_

Describe, if any, all outstanding property taxes due on the property:

_____
_____



## DRAFT Application for Brownfield Area Designation

### APPLICANT INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Interest in property: \_\_\_\_\_

### CURRENT PROPERTY OWNER & CO-APPLICANT

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Legal status of current property owner(s):

_____ Individual/Sole Proprietorship	_____ General Partnership	_____ State
_____ Limited Liability	_____ Limited Partnership	_____ State
_____ Florida Local Government		
_____ Out of State Corporation	State of Incorporation _____	





## DRAFT Application for Brownfield Area Designation

### ENVIRONMENTAL STATUS

Provide a comprehensive description of the nature and geographical extent of contamination by hazardous substances and/or pollutants, if known (use additional pages if necessary):

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Provide a comprehensive description of any previous or current onsite remedial actions (use additional pages if necessary):

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If remedial action is necessary, will you agree to enter into a Brownfields Site Rehabilitation Agreement with the Florida Department of Environmental Protection (FDEP) or authorized designee)?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

**\*\*\*Attach any Executive Summaries of Environmental Reports for the Area, if available\*\*\***



Provide a general description of the proposed redevelopment plans for the site. Be sure to address the five (5) key Brownfields Redevelopment points as outlined in State of Florida Brownfields regulations (s.376.80(2)(b)). Attach additional sheets as necessary to complete your response.

**\*\*\*Be sure to attach further illustrative or graphical information, as appropriate\*\*\***

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## DRAFT Application for Brownfield Area Designation

### SERVICES TO BE PROVIDED BY SEMINOLE COUNTY

Have you had a Brownfield Preapplication Meeting? \_\_\_\_\_ Yes \_\_\_\_\_ No

(It is required that all applicants have a preapplication meeting with County Staff. Please call (407)665-7371 to schedule).

In order to better assist you, please check the type assistance/incentives (check all that apply) you are seeking through this Brownfield Area designation.

Type of Assistance/Incentives Requested:

\_\_\_\_\_ Regulatory Assistance (aid for meeting government agency permitting requirements)

\_\_\_\_\_ Technical Assistance (aid in obtaining grants, loans, etc.)

\_\_\_\_\_ Grants (gap financing for Brownfields remediation)

\_\_\_\_\_ Loans (remediation loan funds)

\_\_\_\_\_ Tax Credits/Exemptions due to Brownfields site designation

\_\_\_\_\_ Job Creation Credits due to Brownfields site designation

\_\_\_\_\_ Job Training Grants due to Brownfields site designation

What are your goals with respect to this property (i.e. Sale, redevelopment, business expansion, etc.):

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## DRAFT Application for Brownfield Area Designation

The applicant is reminded that the contents of this application shall be considered a public record of the County.

The undersigned affirms that the information contained in this application is true and accurate.

<u>&lt;Applicant&gt;</u>  By: _____ Petitioner/Authorized Agent	Sworn to and subscribed this _____ day of _____, 2007.  _____ Notary Public My Commission Expires: _____
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For County use only:

Application received by: \_\_\_\_\_ Date: \_\_\_\_\_

County Commission date for designation of site as a Brownfields Area (date of adoption by resolution): \_\_\_\_\_

Certification by Planning and Development Department

1. Application deemed complete \_\_\_\_\_
2. Legal Description is correct & complete \_\_\_\_\_ Approved by \_\_\_\_\_, Right-of-Way Sec., Date \_\_\_\_\_
3. Application is correct & complete \_\_\_\_\_ Requested zoning complies w/Land Use Plan Designation \_\_\_\_\_